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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,776	11/21/2003	Nidham Ben Rached	MTR.0072US	2886
21906	7590	05/07/2007		
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER MALEK, LEILA	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 05/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,776

Applicant(s)

RACHED ET AL.

Examiner

Leila Malek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-12,14-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 3,9,13 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/25/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 12/04/2002. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The information disclosure statement submitted on 02/25/2004 has been considered and made of record by the examiner.

Double Patenting

3. The non-statutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A non-statutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 6-11, and 18-22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5

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and 9-13 of copending Application No. 10/ 718,423 in view of Scott et al. (hereafter, referred as Scott) (US 6,154,486). Although the conflicting claims are not identical, they are not patentably distinct from each other because, Scott, in the same field of endeavor, discloses a method/apparatus for detecting a signal burst (see the abstract, column 6, lines 52-55, and column 37, second paragraph) transmitted on the initiative of a sender on a radio channel (see column 6, lines 59-63) listened to by a receiver system. Scott further discloses that a detection magnitude is evaluated on the basis of a correlation between a signal received at the receiver system and the predetermined digital sequence (see column 37, paragraphs 2 and 3), wherein the detection magnitude is compared with an adaptive detection threshold to decide whether the signal burst is detected (see column 41, second paragraph). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use an adaptive threshold at the burst detector in order to reduce the false alarm rate (see column 39, last paragraph).

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 7, 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6 and 7 contradict each other.

Because in claim 6, Applicant recites that the order is greater than 2, however in claim 7

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Applicant indicates that the order can be less than 2. Claims 18 and 19 have the same issue.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiFazio (US 2003/0063576), in view of Scott et al. (hereafter, referred as Scott) (US 6,154,486).

As to claims 1 and 11, DiFazio discloses a method/apparatus for detecting a signal burst (see paragraph 0012) transmitted on the initiative of a sender on a radio channel (see paragraph 0027) listened to by a receiver system, the transmitted burst representing a predetermined digital sequence (see paragraph 0003, 0010, and claim 1), in which method/apparatus channel parameters representing a statistical behavior of the radio channel are estimated (see paragraph 0027) and a detection magnitude (i.e. the signal power) is evaluated on the basis of estimated channel parameters (see Figs. 2, 3 and paragraph 0027) and a correlation between a signal received at the receiver system and the predetermined digital sequence (See matched filter 12), wherein the detection magnitude is compared (see comparator 14) with a detection threshold to decide whether the signal burst is detected. DiFazio discloses all the subject matters

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claimed in claims 1 and 11, except that the detection threshold is adaptive. Scott, in the same field of endeavor, discloses a method/apparatus for detecting a signal burst (see the abstract, column 6, lines 52-55, and column 37, second paragraph) transmitted on the initiative of a sender on a radio channel (see column 6, lines 59-63) listened to by a receiver system. Scott further discloses that a detection magnitude is evaluated on the basis of a correlation between a signal received at the receiver system and the predetermined digital sequence (see column 37, paragraphs 2 and 3), wherein the detection magnitude is compared with an adaptive detection threshold to decide whether the signal burst is detected (see column 41, second paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to modify DiFazio as suggested by Scott to use an adaptive threshold at the burst detector in order to reduce the false alarm rate (see column 39, last paragraph).

6. Claims 1, 2, 8, 11, 12, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott, in view of DiFazio.

As to claims 1 and 11, Scott discloses a method/apparatus for detecting a signal burst (see the abstract, column 6, lines 52-55, and column 37, second paragraph) transmitted on the initiative of a sender on a radio channel (see column 6, lines 59-63) listened to by a receiver system, the transmitted burst representing a predetermined digital sequence (i.e. the preamble) (see column 37, second paragraph), in which method/apparatus channel parameters representing a statistical behavior of the radio channel are estimated (see column 47, lines 25-32) and a detection magnitude is evaluated on the basis of a correlation between a signal received at the receiver system

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and the predetermined digital sequence (see column 37, paragraphs 2 and 3), wherein the detection magnitude is compared with an adaptive detection threshold to decide whether the signal burst is detected (see column 41, second paragraph). Scott discloses all the subject matters claimed in claims 1 and 11, except that detection magnitude is evaluated on the basis of the estimated channel. DiFazio, in the same field of endeavor, discloses a receiver including a burst detector for detecting when a selected one of the plurality of channels of the communication is received (See the abstract and paragraph 0012). DiFazio further discloses that the receiver (see Fig. 2) comprises a channel estimation unit 7 connected to the burst detector 10. DiFazio further discloses that the burst detector comprises a matched filter for detecting signal power of the selected one of the channels of the time slots, responsive to the outputs of the channel estimation device (See Fig. 3), and a signal power estimation device, responsive to the matched filter, for generating a signal power estimate of the selected one of the channels of the timeslots (See paragraph 0012). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Scott as suggested by DiFazio (see paragraph 0010) to evaluate detection magnitude on the basis of the estimated channel, in order to make the detection of the burst more reliable.

As to claims 2 and 12, Scott further discloses that a false detection rate for the burst is estimated, over an observation period, and the adaptive detection threshold is varied as a function of the estimated false detection rate (column 40, lines 5-8).

As to claims 8 and 20, Scott further discloses that the signal received is subjected to a filtering matched (see column 37, second paragraph) to the

predetermined digital sequence so as to obtain the correlation in the form of a complex signal having a first component on an in-phase path and a second component on a quadrature path (see column 3, lines 46-57).

As to claim 16, Scott further discloses that the receiver system comprises at least one base station and a base station controller (see Fig. 2 and column 6, last paragraph). DiFazio discloses that the means for estimating channel parameters, the means for evaluating the detection magnitude and the means of comparison form part of the base station (see Figs. 2 and 3 and paragraph 0026). Scott and DiFazio do not expressly disclose that the adaptation means forms at the base station controller, however it is a matter of design choice to perform parts of the burst detection process (e.g. threshold value determination) outside the base station (i.e. inside the base station controller) in order to make the base station smaller.

As to claim 17, Scott discloses that the base station controller is communicating with the base station (see column 6, last paragraph). Therefore, as described in the rejection of claim 16, it would have been obvious to one ordinary skill in the art at the time of invention to perform the adaptation process in the base station controller and the transmit messages for adjusting the detection threshold to the base station, in order to make the base station smaller.

7. Claims 4, 5, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott and DiFazio, further in view of Karlsson et al. (hereafter, referred as Karlsson) (US 2002/0057730).

As to claims 4 and 14, Scott and DiFazio disclose all the subject matters claimed in claims 1 and 11, except that over an observation period, a ratio of a probability of transmission of the burst by a sender to a probability of absence of transmission of the burst is estimated. Karlsson, in the same field endeavor, discloses a method for determining whether a zero rate (i.e. the absence of transmission) or non-zero rate (i.e. the presence of transmission) transmission has occurred (see the abstract and paragraph 0076). Karlsson further discloses that over an estimation period (interpreted as observation period), a ratio of a probability of transmission of the burst by a sender to a probability of absence of transmission of the burst is estimated (see paragraphs 0077-0080). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Scott and DiFazio to estimate a ratio of a probability of transmission of the burst by a sender to a probability of absence of transmission of the burst, as suggested by Karlsson, in order to detect the signal transmission more accurately (see paragraph 0018).

As to claims 5 and 15, Karlsson further discloses that estimation of the probability ratio comprises a countdown of the number of detections of the burst during the observation period (see paragraphs 0076-0079). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Scott and DiFazio, as suggested by Karlsson, in order to detect the signal transmission more accurately (see paragraph 0018).

8. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott and DiFazio, further in view of Bhatooolaul et al. (hereafter, referred as Bhatooolaul) (US 2001/0046864).

As to claims 10 and 22, Scott further discloses that the receiver system belongs to a radio-communication network (see column 6, lines 56-63). Scott and DiFazio disclose all the subject matters claimed in claims 10 and 22, except that the burst is sent so as to request access to the network. Bhatooolaul, in the same field of endeavor, discloses a communication system, which comprises a burst detector (see paragraph 0021). Bhatooolaul further discloses that the burst is sent so as to request access to the network (see paragraphs 0019 and 0021). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Scott and DiFazio to use the burst as a request access to the network to reduce the probability of interference and collisions between neighboring mobiles simultaneously attempting to access the network via same cell (see paragraph 0003).

Allowable Subject Matter

9. Claims 3, 9, 13, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (US 5,903,610; see Fig. 1) (US 5,652,715).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leila Malek whose telephone number is 571-272-8731. The examiner can normally be reached on 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leila Malek
Examiner
Art Unit 2611

L.M.


MOHAMMED GHAYOUR
SUPERVISORY PATENT EXAMINER